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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/324,515 06/03/99 SOKOLOV

D 1065/5

EXAMINER

WM02/1205

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ART UNIT

PAPER NUMBER

2631

DATE MAILED:

12/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/324,515**

Applicant(s)  
**SOKOLOW et al**

Examiner  
**KHAI TRAN**

Group Art Unit  
**2631**



☒ Responsive to communication(s) filed on Sep 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-23 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☒ Claim(s) 6-23 is/are allowed.

☒ Claim(s) 1, 4, and 5 is/are rejected.

☒ Claim(s) 2 and 3 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

1. The amendment B filed on 9/25/2000 has been entered. Claims 1-23 are pending in this Office action.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, and 4-5 are rejected under 35 U.S.C. 102(a) as being anticipated by .  
Fenton et al (U.S. Pat.5,809,064) .

Regarding claims 1, and 4-5, Fenton et al discloses a cellular telephony searcher, comprising: a plurality of correlators (a correlator A and a correlator B as shown in Figure 3, for correlating a received signal with a pseudonoise sequence (a PRN code generator); an input mechanism for inputting the pseudonoise sequence into the correlators, each of the correlators receiving the pseudonoise sequence with a different delay ( a delay line flip-flop 250, 251); a delay management mechanism for initializing the delays and subsequently changing the delays, the changing being contingent, for each the correlator, only an output of the correlator (i.e., the PRN CODE signals is also forward to the delay line flip-flop 250 and 251 which provide the PRN

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CODE signal, with selected delay, through the XOR gate 255 and switch 256 to the correlators A and B, see col. 6, lines 18-51).

***Allowable Subject Matter***

4. Claims 6-23 are allowed.
5. <sup>are</sup> Claim 2-3~~4~~ objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Dixon et al and Nakamura fail to disclose the cellular telephony searcher comprising: each of the correlator, the delay management mechanism changes the delay corresponding to the each correlator if an estimated absolute value of the output of the correlator is less than a threshold common to all the correlators, independent of an estimated absolute value of the output of any other the correlator as recited in the claims.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

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(703) 308-9051, (for formal communications intended for entry)  
or:  
(703) 308-6743, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

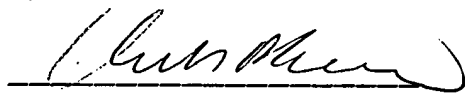
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **Khai Tran** whose telephone number is **(703) 305-1876**.  
The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, **Chi Pham**, can be reached on **(703) 305-4378**.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Group receptionist whose telephone number is  
(703) 305-4900.

*Kh*  
*Khai Tran*  
*December 1, 2000*

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
12/4/00